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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
JOHN JAMES JOSE,  
  
Defendants.

CASE NO. 1:24-CR-000046-NODJ-BAM

STIPULATION TO CONTINUE AND EXCLUDE  
TIME; AND ORDER

DATE: August 14, 2024

TIME: 1:00 p.m.

COURT: Hon. Barbara A. McAuliffe

The parties stipulate as follows:

1. A grand jury indicted the defendant on February 29, 2024, charging him for violating 18 U.S.C. § 13, CA VC § 10851(a), driving or taking vehicle not his own; and 36 C.F.R. § 2.32(a)(3), knowingly giving a false report and other false information to an authorized person investigating a violation of law and regulation. The defendant appeared and the court detained him.

2. The Court set a status conference on April 24, 2024, which was continued to June 26, 2024, and again to August 14, 2024, and excluded time to that date.

3. Now, the parties have met and conferred and agreed to continue the status conference from August 14, 2024, to October 23, 2024, to further provide the defendant with reasonable time necessary for effective preparation, so that the defendant can review the discovery, and for defendant to consider a pre-trial resolution of the case.

4. The parties agree that the interests of justice served by granting this continuance outweigh

1 the best interests of the public and the defendant in a speedy trial. The parties also agree that the period  
2 from August 14, 2024, through October 23, 2024, should be excluded. Fed. R. Crim. P. 17.1; 18 U.S.C. §  
3 3161(h)(7)(A) and (h)(7)(B)(iv).

4 5. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
5 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
6 must commence.

7 IT IS SO STIPULATED.

8  
9 Dated: August 12, 2024

PHILLIP A. TALBERT  
United States Attorney

10  
11 /s/ Cody Chapple  
JEFFREY A. SPIVAK  
12 CODY CHAPPLE  
Assistant United States Attorney

13  
14 Dated: August 12, 2024

/s/ Cristobal Perez  
15 Cristobal Perez  
Counsel for Defendant  
16 John James JOSE  
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**ORDER**

The Court has read and considered the parties' stipulation to continue the status conference and exclude time. The Court finds there is good cause for the continuance so as to allow the defendant reasonable time to complete his review of the discovery and fully consider a pre-trial resolution of the case. The Court also finds that the interests of justice served by granting the continuance outweigh the interests of the public and the defendant in a speedy trial.

Therefore, for good cause shown:

1. The status conference is continued from August 14, 2024, until **October 23, 2024, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe**; and
2. The period from August 14, 2024, through October 23, 2024, shall be excluded pursuant to Fed. R. Crim. P. 17.1; 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv).

The parties stipulation is untimely, but nonetheless, in the interest of justice, the Court grants the continuance. Any future delay in timely submission of the stipulation may result in denial of the requested continuance.

IT IS SO ORDERED.

Dated: **August 12, 2024**

*/s/ Barbara A. McAuliffe*  
UNITED STATES MAGISTRATE JUDGE